

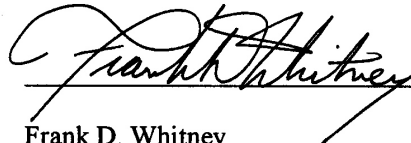
After a careful review of the record, the Court finds that the magistrate judge's findings and

recommendations are neither clearly erroneous nor inconsistent with governing law. Thus, the Court hereby accepts the M&R of Magistrate Judge Cayer and adopts it as the final decision of this Court for all purposes relating to this case.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Summary Judgment (Doc. No. 8) be DENIED and Defendant's Motion for Judgment on the Pleadings (Doc. No. 10) be GRANTED.

IT IS SO ORDERED.

Signed: August 12, 2009



Frank D. Whitney
United States District Judge

